

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CLOSED

AUSET, et al.,

Plaintiff,

v.

ORACLE FINANCIAL SERVICES
SOFTWARE INC., et al.,

Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 10cv3638 (DMC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by Plaintiff, Auset, et al. ("Plaintiff"), to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915; and upon consideration of Plaintiff's affidavit;

WHEREAS Plaintiff having filed a similar application and complaint in 2009 against the same defendants in 9cv4405 and having submitted an earnings statement indicating a considerably biweekly net pay which plaintiff has failed to submit with this application;

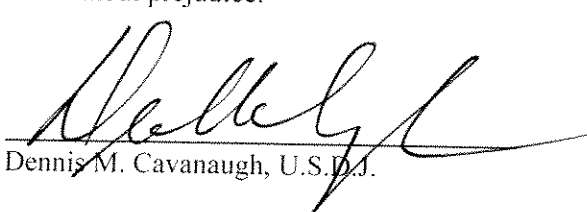
WHEREAS the absence of such financial statement precludes the court from adequately accessing the plaintiffs financial hardship as to not afford the filing fee;

WHEREAS requiring Plaintiff to resubmit his IFP application with a more detailed financial affidavit in this situation does not contradict the dictates of 28 U.S.C. § 1915;

IT IS on this 6 day of December 2010;

ORDERED that Plaintiff's motion to proceed *in forma pauperis* is **denied**; and it is further

ORDERED that Plaintiff's Complaint is **dismissed** without prejudice.


Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File